



CITY OF EL MONTE

OFFICE OF THE CITY ATTORNEY

July 14, 2016

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

BY U.S. & ELECTRONIC MAIL

County of Los Angeles Board of Supervisors
c/o Lori Glasgow, Executive Officer
500 West Temple Street, Suite 383
Los Angeles, California 90012
submit@bos.lacounty.gov

80 September 6, 2016

LORI GLASGOW
EXECUTIVE OFFICER

Re: Request for L.A. County Board of Supervisors Review of El Monte City Council Ordinance to Conduct Its City Elections on the November Statewide Election Date Commencing November 6, 2018

Dear Ms. Glasgow:

In response to California Senate Bill ("SB") 415, the City Council of the City of El Monte (the "City Council" of the "City") adopted the attached City Council Ordinance No. 2885 ("Ordinance No. 2885") to change the date of its general municipal elections from the first Tuesday following the first Monday in November of *odd*-numbered years to the statewide election date of the first Tuesday following the first Monday in November of *even*-numbered years, beginning with the November 6, 2018 statewide general election.

Pursuant to Elections Code Sections 1301 and 10402.5, the City requests that the County of Los Angeles Board of Supervisors (the "L.A. County Board") consider the City's proposed transition to the November statewide election cycle in even-numbered years, as set forth in the attached Ordinance No. 2885. Upon prospective approval of Ordinance No. 2885 by the L.A. County Board, the City would consider the requisite resolutions for the calling of a November 6, 2018 City election, consolidation, election assistance, etc. at a subsequent juncture.

Please contact me at (213) 744-0099 or jvazquez@omlawyers.com if you have any questions regarding this request or require any additional documentation to effectuate the L.A. County Board's review of Ordinance No. 2885.

Very truly yours,


Joaquin Vazquez
Deputy Assistant City Attorney

Enclosure



STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF EL MONTE)

I, M. Helen Mireles, CMC, Chief Deputy City Clerk/ Records Manager, do hereby certify this to be a true and correct copy of Ordinance No. 2885, "An Ordinance of the City Council of the City of El Monte Amending Chapter 1.12 (Elections) of the El Monte Municipal Code to Establish the Date of the City's General Municipal Elections at the First Tuesday After the First Monday in November of Each Even-Numbered Year, in Accordance with Election Code Sections 1301 and 10403.5 and California Senate Bill 415." Approved and adopted at its regular City Council meeting held on Tuesday, July 5, 2016, as per item 12.1 as listed on the El Monte City Council Agenda.



M. Helen Mireles, CMC
Chief Deputy City Clerk/Records Manager
El Monte California

ORDINANCE NO. 2885

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE AMENDING CHAPTER 1.12 (ELECTIONS) OF THE EL MONTE MUNICIPAL CODE TO ESTABLISH THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTIONS AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-NUMBERED YEAR, IN ACCORDANCE WITH ELECTION CODE SECTIONS 1301 AND 10403.5 AND CALIFORNIA SENATE BILL 415

WHEREAS, El Monte City Council (the "City Council") Ordinance No. 2616, dated July 6, 2004, established that the general municipal elections of the City of El Monte (the "City") shall occur on the first Tuesday in March of even-numbered years, or, in the alternative, the first Tuesday following the first Monday in November of odd-numbered years; and

WHEREAS, as a practice, the City has held its general municipal elections on the first Tuesday following the first Monday in November of odd-numbered years, in accordance with City Council Ordinance No. 2616; and

WHEREAS, Elections Code Sections 1301 and 10403.5, authorize the City to modify its schedule of general municipal elections; and

WHEREAS, Elections Code Section 1301(b) allows the City to establish the date of its general municipal elections as the same date of statewide general elections; and

WHEREAS, statewide general election dates are the the first Tuesday after the first Monday in June of even-numbered years and the first Tuesday after the first Monday in November of even-numbered years, in accordance with Elections Code Section 1001; and

WHEREAS, California Senate Bill 415 requires the City to conduct its general municipal elections on statewide election dates no later than 2018 unless it adopts a plan not later than January 1, 2018 to consolidate future elections with statewide election; and

WHEREAS, pursuant to Elections Code Section 10402.5, any municipal election held on a statewide election date must be consolidated with the statewide election, unless the board of supervisors of the relevant county board of supervisors finds that such consolidation cannot be logistically handled; and

WHEREAS, the City Council desires to begin conducting the City's general municipal elections on statewide election dates beginning in November 2018; and

WHEREAS, in accordance with Elections Code Section 1301(c), upon adoption of this Ordinance, the City's municipal election following adoption of this Ordinance and each municipal election thereafter shall be conducted on the first Tuesday after the first Monday in November of even-numbered years.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Ordinance No. 2616, dated July 6, 2004, is repealed in its entirety.

SECTION 3. Reserved Chapter 1.12 (Elections) of Title 1 (General Provisions) of the El Monte Municipal is amended to read as follows:

Chapter 1.12 – Elections

Section 1.12.010 – Election Dates

- A. The City shall hold its general municipal elections on the first Tuesday after the first Monday in November of each even-numbered year.
- B. General municipal elections held pursuant to Subsection A of this Section 1.12.010 must be consolidated with the concurrent statewide election of the same date administered by the Registrar-Recorder for the County of Los Angeles unless the Los Angeles County Board of Supervisors denies such consolidation pursuant to Elections Code Section 10402.5.

SECTION 4. Extension of Terms of Office. In accordance with Elections Code Section 10403.5(b), this Ordinance shall cause the terms of all current elected officials to be extended for a duration of precisely twelve (12) months each, which shall include the elected Mayor, all members of the City Council, the City Treasurer, and the City Clerk. Notification of the extension of such terms of office shall be provided to registered voters, as set forth in Section 7.

SECTION 5. No Odd-Year 2017 Election Pursuant to State Law. In accordance with Elections Code Section 10402.5, the municipal election following adoption of this Ordinance and each municipal election thereafter shall be conducted on the first Tuesday after the first Monday in November of even-numbered years. Consequently, no 2017 general municipal election shall be held.

SECTION 6. Transmittal to County. The City Clerk is directed to, without delay, transmit a copy of this Ordinance to the clerk of the Los Angeles County Board of Supervisors to ensure expeditious review of this Ordinance by the Los Angeles County Board of Supervisors.


SECTION 7. Notice to Registered Voters by City Clerk. The City Clerk is directed to, upon approval of this Ordinance by the Los Angeles County Board of Supervisors, cause a notice to be mailed to all registered voters informing the voters of: (1) the change in the election date; and (2) the accompanying adjustment to the terms of elected officials, pursuant to Elections Code Section 10403.5(e).

SECTION 8. Inconsistent Provisions. Any provision of the El Monte Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to implement the provisions of this Ordinance.


SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase would be subsequently declared invalid or unconstitutional.

SECTION 10. Effective Date; Operative Date. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in a newspaper of general circulation within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after a second reading and adoption. This Ordinance shall become operative upon approval by the Los Angeles County Board of Supervisors, per Elections Code Section 1301(b).

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 5th day of July, 2016.


Andre Quintero, Mayor
City of El Monte

ATTEST:


Jonathan Hawes, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF EL MONTE) SS:

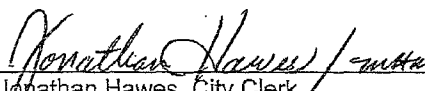
I, Jonathan Hawes, City Clerk of the City of EL Monte, hereby certify that the foregoing Ordinance No. 2885 was introduced for a first reading on the 21st day of June, 2016 and approved for a second reading and adopted by said City Council at its regular meeting held on the 5th day of July, 2016 by the following vote, to-wit:

AYES: Mayor Quintero, Councilmembers Gomez and Velasco

NOES: None

ABSTAIN: None

ABSENT: Mayor Pro Tem Martinez and Councilmember Macias


Jonathan Hawes, City Clerk
City of El Monte